

REMARKS

Claims 1-8 are all the claims pending in the application. By this Amendment, Applicants amend claims 1-8.

Objection to the Drawings

The Examiner objects to the drawings because FIG. 3 should allegedly be designated by a legend such as “Prior Art.”

As discussed above, Applicants respectfully submit Replacement FIG. 3 and respectfully request the Examiner to withdraw the objection in view of the self-explanatory modifications contained therein.

Claim Rejections - 35 U.S.C. § 112

Claims 3 and 6-8 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants amend claims 3 and 6-8 and respectfully submit that claims 3 and 6-8 satisfy 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 U.S.C. § 102

Claims 1-6 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Crowley (U.S. Patent 6,663,100). Applicants respectfully traverse the rejection.

As a preliminary matter, Applicants respectfully note that the Office Action appears to be incomplete. With respect to claims 1-6, the Examiner does not fully and clearly set forth how the applied references teach or suggest the claimed subject matter. Instead, the Examiner simply

states that claims 1-6 are taught by Crowley, without addressing the various different features recited in these claims. See Office Action, p. 4. Such an Office Action is prejudicial to Applicants since it is not informative and therefore, does not give the Applicants any clear basis to respond to the rejection.

Further, MPEP § 707.07(d) states that “[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group” (emphasis added). Here, claims 1-6 are not identical, and thus cannot merely be grouped together. Thus, Applicants respectfully request the Examiner to address each claim based on its own respective recitation in any subsequent Office Action and to point out, with particularity, the portions of the cited references believed by the Examiner to teach each feature of the claims so as to expedite the prosecution for this application and to ensure a complete record of the prosecution history.

Claim 1

In the Office Action, the Examiner asserts that the spaces 210 of Crowley allegedly teach the claimed “cutouts.” See Office Action, p. 4.

However, Crowley neither teaches nor suggests “a plurality of cutouts which are respectively formed in a corresponding plurality of adjacent walls of the analysis element housing chamber so as to extend downward respectively from the plurality of adjacent wall edges,” as recited in claim 1. Rather, Crowley merely describes spaces 210 “are defined generally between the guides 206 and 208.” See Crowley, col. 6, ll. 21-22. Therefore, Crowley neither teaches nor suggests “a plurality of cutouts which are respectively formed in a corresponding plurality of adjacent walls of the analysis element housing chamber,” since Crowley does not disclose that the

spaces are formed in adjacent walls. Indeed, Crowley merely describes that the spaces 210 are the resultant from the open nature of the guides, with no teaching or suggestion that the spaces are formed in walls.

Further, even if Crowley could somehow be interpreted as teaching cutouts and walls, which it does not, Crowley neither teaches nor suggests “a plurality of cutouts which are respectively formed in a corresponding plurality of adjacent walls.” Rather, FIG. 3 of Crowley illustrates eight separate spaces along the perimeter of a rectangular feed station 200 having 4 sides. Therefore, Crowley neither teaches nor suggests “a plurality of cutouts which are respectively formed in a corresponding plurality of adjacent walls,” since Crowley does not disclose a plurality of spaces respectively formed in a corresponding plurality of sides.

Accordingly, for at least the above reasons, Crowley fails to teach or suggest all the features of claim 1, and hence claim 1 would not have been anticipated by Crowley.

Claims 2-6

Claims 2-6 depend on claim 1 and incorporate all the features of claim 1, and hence claims 2-6 should be deemed patentable at least by virtue of their dependency on claim 1.

With further regard to claim 3, Crowley neither teaches nor suggests “wherein posts defined between the plurality of cutouts have height lower than a height of a side wall with no cutout,” as recited in claim 3. As discussed above, Crowley does not disclose that the feed station 200 comprises walls. Moreover, since Crowley describes guides 202, 204, 206, 208 are dispersed throughout feed station 200 to generate spaces 210, Crowley also clearly fails to teach or suggest “a side wall with no cutout.”

Accordingly, claim 3 and its dependent claims would not have been anticipated by Crowley for at least these additional reasons.

Claims Rejections - 35 U.S.C. § 103

Claims 1, 2, 4, 5 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant's Admitted Prior Art (hereinafter "AAPA") in view of Crowley. Applicants respectfully traverse the rejection.

Claims 1, 2, 4, 5, and 7

In the Office Action, the Examiner asserts AAPA allegedly teaches substantially all the features of claim 1, with the exception that the conventional cartridge of AAPA does not comprise cutouts on adjacent walls. However, the Examiner asserts that Crowley allegedly cures the deficient disclosure of AAPA. *See* Office Action, p. 5.

As described in Applicants' disclosure, colorimetric dry analysis elements have been developed for use in medical institutions, laboratories, and the like. *See* Specification, p. 1, ll. 14-25. "The analysis elements quantitatively analyze the content of a specific biochemical component or specific solid component contained in a sample liquid by merely spotting a droplet of the sample liquid therein." *See* Specification, p. 1, ll. 14-19. In the conventional art, the dry analysis element is loaded into a cartridge with the side edges of the dry analysis element being held between fingers. *See* Specification, p. 4, ll. 19-23. "It is essential to avoid touching the spotting hole 10a during handling." *See* Specification, p. 5, ll. 18-19.

Conversely, Crowley is directed to a manufacturing system having a hopper for holding envelopes or sheets used by a high volume inserter. *See* Crowley, Abstract, col. 6, ll. 4-7. The industrial high volume inserter typically consumes 3000 to 25,000 pieces per hour. *See* Crowley,

col. 1, ll. 60-67. Due to the high rate of consumption by the high volume inserter, the hopper “must be constantly monitored and reloaded by one or more individual operators.” *See Crowley*, col. 1, l. 67 - col. 2, l. 2.

“A reference in a field different from that of applicant's endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole.” *See* MPEP § 2141.01(a). As discussed above, AAPA is directed to the use of dry analysis elements for analyzing droplets of blood samples used in medical facilities. Due to the intricate nature of the measuring process, the dry analysis elements must be carefully handled to avoid contamination. However, on the other hand, the hopper of Crowley is not at all concerned with precise, accurate, individual handling, but is instead directed to quickly loading large stacks of paper into a hopper in a high speed manufacturing environment.

Therefore, a person having ordinary skill would not have combined AAPA with Crowley since AAPA and Crowley are directed towards solving different problems in completely unrelated areas of art.

Moreover, even if AAPA and Crowley could have somehow been combined, as the Examiner asserts in the Office Action, the Examiner's motivation to combine AAPA with Crowley is deficient. In the Office Action, the Examiner asserts Crowley teaches cutouts that reduce friction when articles are loaded into a hopper. *See* Office Action, p. 5. However, the Examiner's application of Crowley to AAPA amounts to mere speculation not supported by any objective evidence that dry analysis elements loaded into analysis element cartridges of AAPA suffer from loading difficulties due to friction.

Further, the Examiner asserts the cutouts of Crowley, which are simply spaces between metal bars, allow the level and the condition of the stack to be easily viewed. *See* Office Action, p. 5. However, in the conventional art, cutouts on opposite sides already exist. Accordingly, a person having ordinary skill in the art would not have further modified AAPA to include adjacent cutouts to view the contents of the stack, since the opposite cutouts of AAPA already provide this functionality. Therefore, the requisite motivation to combine AAPA with Crowley is absent.

As a result, for at least the above reasons, claim 1 and its dependent claims would not have been rendered unpatentable by the combination of AAPA and Crowley.

Claim 7

With further regard to claim 7, the Examiner asserts “the front and rear walls of the conventional cartridge comprise the take-out port and the guide hole, respectively.” *See* Office Action, p. 5. However, claim 7 recites “wherein the cutouts in the first and third side walls are deeper than the cutout in the second side wall,” and does not recite “the front and rear walls.” Moreover, the front wall does not contain any cutout, contrary to the Examiner’s assertion. Accordingly, claim 7 would not have been rendered unpatentable by the combination of AAPA and Crowley for at least these additional reasons.

Claims 3, 6 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over AAPA in view of Crowley as applied to claims 1, 2, 4, 5 and 7, and further in view of Cunningham (US Patent 5,127,207). Applicants respectfully traverse the rejection.

Claims 3, 6, and 8

Claims 3, 6, and 8 depend on claim 1 and incorporate all the features of claim 1. Cunningham is merely cited for teaching posts having different heights. Even if AAPA and Crowley could have somehow been modified based on Cunningham, as the Examiner asserts in the Office Action, the combination would still not teach or suggest all the features of claim 1, and hence claims 3, 6, and 8. Accordingly, claims 3, 6, and 8 would not have been rendered unpatentable by the combination of AAPA, Crowley, and Cunningham for at least these reasons.

In addition, Cunningham is directed to a case blank feed device used in an industrial case packaging assembly. The bottom case blank of a stack of case blanks is pulled from the bottom of the stack container using roller bars and vacuum suction. *See* Cunningham, Abstract. Accordingly, similar to the combination of AAPA and Crowley discussed above, a person having ordinary skill in the art would not have combined AAPA with Cunningham since AAPA and Cunningham are directed towards solving different problems in completely unrelated areas of art.

Accordingly, claims 3, 6, and 8 would not have been rendered unpatentable by the combination of AAPA, Crowley, and Cunningham for at least these additional reasons.

Claim 8

With further regard to claim 8, the Examiner again asserts “the front and rear walls of the conventional cartridge comprise the take-out port and the guide hole, respectively.” *See* Office Action, p. 6. However, claim 8 recites “wherein the cutouts in the first and third side walls are deeper than the cutout in the second side wall,” and does not recite “the front and rear walls.” Moreover, the front wall does not contain any cutout, contrary to the Examiner’s assertion and

neither Crowley nor Cunningham discloses a wall without a cutout. Accordingly, claim 8 would not have been rendered unpatentable by the combination of AAPA and Crowley for at least these additional reasons.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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